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OFFICE OF THE ATTORNEY GENERAL  
STATE OF ARIZONA

KRIS MAYES  
ATTORNEY GENERAL

STATE GOVERNMENT DIVISION  
NATURAL RESOURCES SECTION

Adam Stafford  
ASSISTANT ATTORNEY GENERAL  
DIRECT PHONE (602) 542-7758

April 25, 2023

ALS-00004-22-0320 Arizona Corporation Commission

DOCKETED

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AZ CORP COMMISSION  
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RECEIVED

Members of the Arizona Power Plant and  
Transmission Line Siting Committee  
Via Email Only

**Re: Criteria for Matters to be heard by Hearing Officer**

Dear Members of the Arizona Power Plant and Transmission Line Siting Committee:

At our meeting on April 4, 2023, the Committee voted to appoint me as a hearing officer, subject to presentment of a list of the criteria used to determine which matters would go before the hearing officer instead of the full Committee. The Committee also voted to require briefs from the parties to a certification proceeding for all cases heard by a hearing officer.

A.R.S. § 40-360.04(B) requires the hearing officer to be an attorney that "reside[s] in a county other than the county in which the proposed site is located." Because I reside in Maricopa County, the first criterion for an application to be eligible to be heard by the hearing officer is that the project be located in another county.

At our meeting I also informed the Committee that as chairman, I was going to require the following information from applicants for them to secure a place in the pre-filing queue:

- Applicant identity;
- Date when applicant filed latest 10-year plan with the Arizona Corporation Commission;
- Length of the line;
- Voltage of the line;
- Number of new structures;
- Location of line (*i.e.*, county or counties);

- Affected jurisdictions;
- Interconnecting utility;
- Distance of the line from the nearest residence and cultural and/or environmentally sensitive areas;
- Potential opposition and/or potential intervenors;
- Purpose of the line (*e.g.*, connect xxx MW to grid, serve xxx MW of new load, or reliability);
- Whether or not multiple routes are proposed; and
- Dates applicant will be ready to file its application and be ready for hearing.

This information will be useful to develop the criteria for whether an application will be heard by a hearing officer or the full Committee. Based on our discussion at our April 4<sup>th</sup> meeting, the two most relevant factors from the list of criteria above are (1) the distance of the proposed line from residences and cultural and/or environmentally sensitive areas and (2) potential opposition and intervenors.

Pursuant to Arizona Administrative Code R14-3-201, the chairman of the Committee has the discretion to hold a hearing before the full Committee or a hearing officer "subject to overruling by a majority of the Committee within five days of notice of his decision." It is my intention to only set applications for hearing before a hearing officer where the line is outside Maricopa County, at least 1,000 feet away from a residence or any cultural and/or environmentally sensitive areas, and has no opposition; however, based on the aforementioned rule, if six members disagree with my determination and timely object, then the application would be heard by the full Committee.

I look forward to further discussion at our next meeting on April 26, 2023.

Very truly yours,



Adam Stafford, Chairman  
Arizona Power Plant and Transmission  
Line Siting Committee  
Assistant Arizona Attorney General  
2005 North Central Avenue  
Phoenix, AZ 85004-1592

AS/tb

**CERTIFICATION OF MAILING**

Pursuant to A.A.C. R14-3-204, the **ORIGINAL** of the foregoing and 26 copies were filed this 25<sup>th</sup> day of April, 2023 with:

Utilities Division – Docket Control  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, Arizona 85007

**COPIES** of the foregoing e-mailed this 25<sup>th</sup> day of April, 2023 to:

Gabriela Saucedo Mercer  
2157 Roundwood Place  
Tucson, Arizona 85745  
[gabby@reagan.com](mailto:gabby@reagan.com)  
*Designee of the ACC Chairman*

Leonard Drago  
4611 East Via Montoya Drive  
Phoenix, Arizona 85050  
[Drago.Leonard@azdeq.gov](mailto:Drago.Leonard@azdeq.gov)  
*Designee of Department of  
Environmental Quality*

David French  
Arizona Department of Water Resources  
1802 West Jackson St. Box #79  
Phoenix, Arizona 85007  
[dfrench@azwater.gov](mailto:dfrench@azwater.gov)  
*Designee of Department of  
Water Resources*

Jim Palmer  
1738 N. 1st Avenue  
Thatcher, Arizona 85552  
[japalmer1738@gmail.com](mailto:japalmer1738@gmail.com)  
*Represents Agricultural Interests*

Mary Hamway  
7112 E. Bronco Drive  
Paradise Valley, Arizona 85253  
[mhamway@cox.net](mailto:mhamway@cox.net)  
*Represents Cities and Towns*

Rick Grinnell  
P.O. Box 57608  
Tucson, Arizona 85732  
[Rick@SOAZBC.com](mailto:Rick@SOAZBC.com)  
*Represents Counties*

Karl Gentles  
7843 North 3<sup>rd</sup> Way  
Phoenix, Arizona 85020  
[karl@karlgentlespr.com](mailto:karl@karlgentlespr.com)  
*Represents General Public*

Jack Haenichen  
P.O. Box 2287  
Overgaard, Arizona 85933  
[johnhaenichen@gmail.com](mailto:johnhaenichen@gmail.com)  
*Represents General Public*

Margaret "Toby" Little, PE  
6380 Copper Drive  
Flagstaff, Arizona 86004  
[mtlittle88@hotmail.com](mailto:mtlittle88@hotmail.com)  
*Represents General Public*

By: 